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    Acting Under Authority Conferred by 28 U.S.C. § 515
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 8
                          UNITED STATES DISTRICT COURT
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                        SOUTHERN DISTRICT OF CALIFORNIA
10
    UNITED STATES OF AMERICA
                                        Case No. 14CR0388-MMA
11
                                               April 8, 2016
                                        Date:
         V.
                                        Time:
                                              2:00 p.m.
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    JOSE SUSUMO AZANO MATSURA (1).
                                        JOINT MOTION TO EXCLUDE TIME
      aka Mr. A.,
13
      aka Mr. Lambo,
                                        UNDER THE SPEEDY TRIAL ACT FROM
    RAVNEET SINGH (2),
                                        MAR. 8 TO APR. 4, 2016
14
      aka Ravi Singh,
    ELECTIONMALL, INC. (3)
15
    MARCO POLO CÓRTES (4)
    EDWARD SUSUMO AZANO HÉSTER (5),
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      aka Susu,
      aka Junior,
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               Defendants.
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         The United States of America and the above-captioned defendants, who are on
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    bond, jointly move to exclude the time from March 8, 2016, through April 4, 2016, from
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    the Speedy Trial Act calculations because: (1) there are pretrial motions pending that
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    require a hearing, see 18 U.S.C. § 3161(h)(1)(D); and (2) the ends of justice served by
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The following facts support the requested time exclusion:

trial, see 18 U.S.C. § 3161(h)(7)(A).

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1. There are pending pretrial motions that require a hearing. *See* Docs. 101, 146. At today's hearing, the parties briefly addressed the merits of Cortes' request for discovery of Encinas's SDPD personnel file. At the April 4, 2016 motion hearing date,

excluding time outweigh the best interests of the public and the defendants in a speedy

the parties wish to be heard further on that issue as well as the other requests made in Cortes' discovery motion.

- 2. As for the "ends of justice" time exclusion, the filing of the second superseding indictment, including adding defendant Edward Susumo Azano Hester, justifies the exclusion of time at least until April 4, 2016. Discovery in this case is already voluminous. Doc. No. 93, at 3. And the United States will be providing significant new discovery relating to the new counts and its ongoing investigation. Mr. Azano Hester's counsel in particular, as the newest attorney in this case, will need time to review the discovery in order to prepare for pretrial motions and the trial itself. And all defense counsel will need time to analyze the new indictment and the new discovery, in order to evaluate (or re-evaluate) trial tactics, pretrial motions, and the significant amount of evidence in this case, including the new discovery.
- 3. This case involves significant factual and legal complexity, as this Court has found in the past. Doc. No. 93, at 2-3. Since the new indictment increases the number of counts charged from 26 to 39, as well as adding a new defendant, the case has only become more factually and legally complex.
- 4. In light of the foregoing facts, failure to exclude the requested time would result in a miscarriage of justice, as it is unreasonable to expect adequate preparation for pretrial motions or for the trial itself within 70 days, absent the requested time exclusion.

For the foregoing reasons, the parties jointly move this Court to exclude time under the Speedy Trial Act for the reasons stated.

Respectfully submitted,

ALANA W. ROBINSON Attorney for the United States Acting Under 28 U.S.C. § 515

DATED: March 8, 2016

/s/ Audrew G. Schopler ANDREW G. SCHOPLER HELEN H. HONG Assistant U.S. Attorney

1	DATED: March 8, 2016	/s/Knut S. Johnson KNUT S. JOHNSON
2		Counsel for Mr. Azano Matsura (1)
3		
4	DATED: March 8, 2016	/s/ Michael L. Lipman MICHAEL L. LIPMAN
5		Duane Morris LLP Counsel for Mr. Singh (2)
6		
7	DATED: March 8, 2016	Isl Frank 7. Vecchione
8		FRANK T. VECCHIONE Counsel for ElectionMall, Inc. (3)
9		
10	DATED: March 8, 2016	/s/ Nancy B. Rosenfeld NANCY B. ROSENFELD Counsel for Mr. Cortes (4)
11		Counsel for Mr. Cortes (4)
12		
13	DATED: March 8, 2016	/s/ Joshi A. Valentine JOSHI A. VALENTINE Counsel for Mr. Azano Hester (5) (Special Appearing)
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UNITED STATES DISTRICT COURT 1 2 SOUTHERN DISTRICT OF CALIFORNIA 3 UNITED STATES OF AMERICA, Case No. 14CR0388-MMA 4 Plaintiff, 5 **CERTIFICATE OF SERVICE** V. 6 JOSE SUSUMO AZANO MATSURA (1), aka Mr. A., 7 aka Mr. Lambo, RAVNEET SINGH (2), 8 aka Ravi Singh, ELECTIONMALL, INC. (3), MARCO POLO CORTES (4), EDWARD SUSUMO AZANO HÉSTER (5), 10 aka Susu. aka Junior, 11 Defendants. 12 13 I, the undersigned, declare under penalty of perjury that I have served the 14 foregoing document on the above-captioned party(ies) by: 15 ■ electronically filing it with the U.S. District Court for the Southern District of California using its ECF System, which electronically notifies the party(ies). 16 acausing the foregoing to be mailed by first class mail to the parties identified with the District Court Clerk on the ECF System. 17 18 acausing the foregoing to be mailed by first class mail to the following non-ECF participant at the last known address, at which place there is delivery service of 19 mail from the United States Postal Service: 20 Executed on March 8, 2016. 21 |s| Andrew G. Schopler ANDREW G. SCHÓPLER 22 Assistant U.S. Attorney 23 24 25 26 27

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